

- 3 -

Application No.: 09/813,353

Docket No. 740123-351

In his Advisory Action, the Examiner expressed the view that Schreiter et al. U.S. Patent No. 4,911,497, did not clearly reflect a mechanism that one of ordinary skill in the art would be able to use in order to enable production of the claimed movements. The reference to the Schreiter et al. patent has now been replaced by a reference to Fuerst U.S. Patent No. 4,911,496. This patent shows a middle slider 23 and a rear slider 24 which are slidably movable along a guide rail 18. An angle piece 39 with a guide slot 38 is connected to the guide rail 18 (at the right in Figs. 3 & 4), and allows pivoting movement of the rear cover 14 (Fig. 2 to Fig. 3) and lowering of the rear edge 49 of the cover 14 without longitudinal displacement thereof (Fig. 4). To add the ability of the rear cover to move longitudinally along the guide rail 18 as occurs in the present invention, those of ordinary skill in the art, given the teachings of the present application of rear cover movements to be attained, would recognize that it is simply necessary to mount the angle piece 39 on a sliding carrier, and then by means of either coordinated drive cable movements or releasable locking block mechanisms, from the Fig. 3 position, the sliding carrier would be moved forward along the guide rail with the middle slider 23 and rear slider 24 coupled thereto until the forward end position of the rear cover is approached (Fig. 2C to Fig. 2D of the present application), at which time the roller 45 of the front cover acts to force the rear edge 49 of the rear cover downward in the same manner as occurs at the Fig. 4 position of Fuerst, the only difference being that the relative movement that produces that effect is one of the rear cover moving toward and under the front cover instead of due to the front cover moving toward and over the rear cover; however, the net effect being identical.

Therefore, it is submitted that the Fuerst patent provides the requisite showing that those skilled in the art would have been able to practice the present invention from the disclosure of the present application without any undue experimentation. Accordingly, the rejection of the claims under 35 U.S.C. § 112, first paragraph as being based on an inadequate disclosure should be withdrawn and such action is now requested.

All other issues raised in final Office Action have been addressed in the Amendment After Final, entry of which was requested in RCE filing request. Therefore, further discussion thereof at this time is unnecessary.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with applicant's representative, then the Examiner is

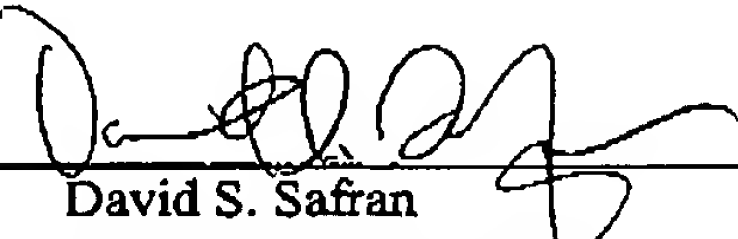
- 4 -

Application No.: 09/813,353  
Docket No. 740123-351

invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,

By:

  
\_\_\_\_\_  
David S. Safran  
Registration No. 27,997

NIXON PEABODY LLP  
8180 Greensboro Drive, Suite 800  
McLean, Virginia 22102

Telephone: (703) 770-9315

- 5 -

Application No.: 09/813,353

Docket No. 740123-351

Mark-up Showing Amendments MadeIn the Specification:

Please amend paragraphs [0020] and [0023] as follows:

[0020] A motor vehicle roof (see Figure 1), in a fixed roof skin 10, has a roof opening 11 which extends from near the front edge 12 of the roof skin 10 to near the rear edge 13 of the roof skin 10. On the bottom of the roof skin 10, a frame (not shown) is attached which, on either side of the roof opening 11, has guide rails G in which the front cover 14 and the rear cover 15 are supported to be able to move. Furthermore, the two covers 14, 15 are each provided with a swing-in mechanism S, which are only schematically represented in the drawings by which the front cover 14 and the rear cover 15 may be lowered at their front edges 16, 17 relative to the respective rear edges 18, 19 into the ventilator positions (see Fig. 2B & Fig. 3B). For their swinging motion and their displacement motion along the guide rails, the covers 14, 15 are each driven by its own drive 20, 21 which are attached to the front and rear transverse parts 22, 23 of the roof frame and which may be made in the known manner as an electric motor with a driving pinion and compressively-stiff drive cables; see, for example, U.S. Patent No. 4,911,496 [4,911,497] which hereby incorporated by reference. The covers 14, 15 are preferably transparent and are especially glass covers.

[0023] In order to move the rear cover 15 into its open position in which it clears the rear section 25 of the roof opening 11, the rear cover 15 is pushed forward out of its obliquely oriented or tilted ventilator position (see Figure 2B) while this oblique position is maintained by the drive 21 (see Figure 2C), the rear edge 19 of the rear cover 15 is moved by side cover guides G along the roof contour while the front edge 17 of the cover is moved forward with an essentially uniform distance relative to the front cover 14. When the rear edge 19 of the rear cover 15 has approached the rear edge 18 of the front cover 14 to a certain distance, the rear edge 19 of rear cover 15 is moved down by the cover guides G in a downward motion which may take place, for example, in steps according to the representation of the arrow 27 (see Figure 2D), so that the rear cover 15 is aligned roughly parallel to the front cover 14. In this parallel alignment, the rear cover 15 may traverse the last section of its path of motion or

- 6 -

Application No.: 09/813,353

Docket No. 740123-351

displacement into its final open position under the front cover 14. This ensures that the rear cover 15, when being opened, remains largely in its upper position which is as close as possible to the roof contour so that its distance relative to a rear seat passenger remains as great as possible and the passenger's head space is restricted as little as possible. Closing motion of the rear cover 15 takes place in the opposite sequence of motions. Raising and lowering of the covers is produced by the swing-in mechanisms S, for example, in the manner known from the above mentioned U.S. Patent No. 4,911,496 [4,911,497].

NVA242885.1